

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 86**

[AMS-FRL-5225-7]

RIN 2060-AC65

**Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Regulations Requiring On-Board Diagnostic (OBD) Systems—Regulations Allowing Optional Compliance with California OBD II Requirements as Satisfying Federal OBD**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** Due to one adverse comment, EPA is removing one specific provision of the recent direct final rule revising requirements associated with on-board diagnostic (OBD) systems. That direct final rule was published in the **Federal Register** on March 23, 1995 (60 FR 15242). EPA is removing only the provision concerning the acceptance of revised California OBD II as satisfying federal OBD requirements through the 1998 model year. Because that provision is being removed, the Agency intends to issue a notice of proposed rulemaking (NPRM) in the near future to reinstate the intent of allowing optional compliance with revised OBD II requirements.

**EFFECTIVE DATE:** June 30, 1995.

**ADDRESSES:** Materials relevant to this rulemaking are contained in Docket No. A-90-35, and are available for public inspection and photocopying between 8 a.m. and 5:30 p.m. Monday through Friday. The telephone number is (202) 260-7548 and the facsimile number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket material.

**FOR FURTHER INFORMATION CONTACT:** Todd Sherwood, (313) 668-4405.

**SUPPLEMENTARY INFORMATION:** On March 23, 1995, EPA published a direct final rule revising requirements associated with on-board diagnostic systems. EPA believed that this direct final rule would not be controversial. In that direct final rule, EPA stated that, "If notice is received that any person or persons wish to submit adverse comments regarding some, but not all of the actions taken in this rulemaking, then EPA shall withdraw this final action and publish a proposal only with regard to the actions for which notice has been received." EPA stated that it would make such a withdrawal if adverse

comment was received by April 24, 1995.

EPA has received adverse comment from the Motor and Equipment Manufacturers Association (MEMA). This adverse comment has been placed in the public docket for viewing. The comments submitted by MEMA are adverse with regard to a revision of 40 CFR 86.094-17(j) that would allow manufacturers the option of complying with the recently revised California OBD II requirements (California Air Resources Board Mail-Out #95-03). (MEMA had initially objected to other specific provisions of the direct final rule, but MEMA withdrew these objections in a letter signed May 18, 1995.) Therefore, EPA is removing the provision of that direct final rule that pertains to optional compliance with the revised OBD II requirements of ARB Mail-Out #95-03. The language of the prior final rule published on February 19, 1993 (58 FR 9468) allowing compliance with California OBD II requirements is reinstated in § 86.094-17(j) as they existed on that date.

It is important to note that EPA's removal of this regulatory change is not based on EPA's agreement or disagreement with the adverse comment received. The removal is based solely on EPA's determination, announced in the direct final rule, that the provisions of the direct final rule would go into effect only if no persons submitted adverse comments.

EPA is removing this provision without providing prior notice and comment because it finds good cause with the meaning of 5 U.S.C. 553(b). Notice and comment would be impracticable, as EPA needs to remove this revision quickly because it went into effect May 22, 1995. Also, EPA has already informed the public it would withdraw any provision that received adverse or critical comments.

**List of Subjects in 40 CFR Part 86**

Environmental protection, Administrative practice and procedure, Air pollution control, Gasoline, Incorporation by reference, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: June 30, 1995.

**Fred Hansen,***Acting Administrator.*

For the reasons set out in the preamble, part 86 of title 40 of the Code of Federal Regulations is amended as follows:

**PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES**

1. The authority citation for part 86 continues to read as follows:

**Authority:** Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

**Subpart A—[Amended]**

2. Section 86.094-17 is amended by revising paragraph (j) to read as follows:

**§ 86.094-17 Emission control diagnostic system for 1994 and later light-duty vehicles and light-duty trucks.**

\* \* \* \* \*

(j) Demonstration of compliance with California OBD II requirements (Title 13 California Code section 1968.1) shall satisfy the requirements of this section through the 1998 model year except that compliance with Title 13 California Code section 1968.1(d), pertaining to tampering protection, is not required to satisfy the requirements of this section.

[FR Doc. 95-17477 Filed 7-24-95; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 712**

[OPPTS-82046A; FRL-4968-4]

**Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals; Correction**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

**SUMMARY:** In the **Federal Register** of July 5, 1995, EPA issued a final rule adding certain chemical substances to two model information-gathering rules: the TSCA Section 8(a) Preliminary Assessment Information Rule (PAIR) and the TSCA Section 8(d) Health and Safety Data Reporting Rule. This document corrects two typographical errors that appeared in that final rule.

**EFFECTIVE DATE:** This rule is effective July 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, TSCA Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. E-543, Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551, e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of July 5, 1995 (60 FR 34879), EPA issued a final rule adding 24 chemical substances to the PAIR and 12 chemical substances to the section 8(d) Health and Safety Data Rule. In the regulatory text for § 712.30(e), on page 34883, the reporting date for Isophorone (CAS No. 78-59-1) and Isobutyl alcohol (CAS No. 78-83-1) was incorrectly listed as "8/4/95", the reporting date should have read "10/3/95."

#### List of Subjects in 40 CFR Part 712

Environmental protection, Chemicals, Hazardous substances, Health and safety data, Recordkeeping and reporting requirements.

Dated: July 13, 1995.

**Charles M. Auer,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

In the **Federal Register** of July 5, 1995, on page 34883, in § 712.30(e), under the category "OSHA Chemicals in Need of Dermal Absorption Testing," under the reporting date column, the reporting date for CAS No. entries for 78-59-1 and 78-83-1 are both corrected to read "10/3/95."

[FR Doc. 95-17761 Filed 7-24-95; 8:45 am]

BILLING CODE 6560-50-F

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

#### Radio Broadcasting Services; Chatom, AL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** This document dismisses a petition for reconsideration filed on behalf of Creek Indian Enterprises, licensee of Station WYDH(FM), Channel 290A, Atmore, Alabama, of the Commission's letter action dated April 26, 1995, which denied the petitioner's request to change the reference coordinates for vacant Channel 291C3 at Chatom, Alabama. The petitioner's request, which is premised on its desire to maximize its signal coverage in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules without requiring a change in the FM Table of Allotments at Chatom, is inconsistent with Commission policy. The Commission has determined that Creek Indian Enterprises has not presented any new arguments or facts in

its request for reconsideration, as required pursuant to Section 1.429 of the Commission's Rules, and therefore, its request is dismissed. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** July 25, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* adopted July 10, 1995, and released July 18, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**Douglas W. Webbink,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-18197 Filed 7-24-95; 8:45 am]

BILLING CODE 6712-01-F

### 47 CFR Part 73

#### Radio Broadcasting Services; Various Communities

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to Permit FM Channel and Class Modifications [Upgrades] by Application*, 8 FCC Rcd 4735 (1993).

**EFFECTIVE DATE:** July 25, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, adopted July 11, 1995, and released July 18, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by removing Channel 274C and adding Channel 274A at Juneau.

3. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 252C2 and adding Channel 252C1 at Bentonville; by removing Channel 260A and adding Channel 260C3 at Monticello; and by removing Channel 223C3 and adding Channel 223C2 at Wynne.

4. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 240A and adding Channel 239B1 at Carlsbad.

5. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 234A and adding Channel 234C3 at Sterling.

6. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 269A and adding Channel 268C3 at Richmond.

7. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 271C3 and adding Channel 271C2 at Basile.

8. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 234C3 and adding Channel 234C2 Staples.

9. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 287C3 and adding Channel 287C2 at Aberdeen; by removing Channel 232A and adding Channel 232C2 at Bay Springs; by removing Channel 282C2 and adding